

REMARKS

Specification Amendments

The specification has been amended to correct a clearly minor typographical error in line 5 of the relevant page (the second line of the relevant paragraph), namely, that the subscript 3 on CH₃ was inadvertently stricken through in the specification as filed. Also, the syntax of the passage has been corrected by use of parentheses and commas, matching the manner in which the same passage was disclosed as specification page 22, line 11. No new matter has been added.

Status Of The Claims

Claims 1-80 were filed. Claims 1-44 (Group I) were elected pursuant to a restriction requirement, leaving claims 45-80 withdrawn from consideration. Claims 1-4 and 32-44 (Species E and associated linking claims) were elected pursuant to a restriction requirement, leaving claims 5-31 also withdrawn from consideration. Thus, claims 1-4 and 32-44 are currently undergoing examination. In the rejection currently outstanding in the application, claims 1-4 and 32-44 were rejected, and claim 35 was objected to.

In this amendment, claims 1, 2, 4, 34, 35, and 44 are amended. The amendments to claims 34 and 35 remove the dependency of those claims on claims 1 and 4, which effectively withdraws claims 34-36 from consideration (claim 36 depends on claim 35) for being dependent only on non-elected claims. Should any of the withdrawn base claims (*e.g.*, claims 5, 12, 14, and the like) be reconsidered during further examination (*e.g.*, should an appropriate generic claim be found allowable), claims 34-36 should also be reconsidered at that time. The other claim amendments are for minor matters of form, such as consistency of language and proper antecedent basis, and thus the amendments do not affect the scope of the claims. Again, no new matter has been added.

Rejections Under 35 USC §112, First Paragraph

The Examiner rejected claims 1-4 and 32-44 under 35 USC §112, first paragraph, for lack of enablement for a variety of reasons. Without finally conceding to the Examiner's position,

the claims have been amended to conform to the scope that the Examiner does not dispute, *i.e.*, two or three phosphorus atoms. This is done solely to advance prosecution, particularly in view of the application receiving an unusual third non-final rejection and therefore to acknowledge the Examiner's above-average amount of time on the file. The amendments are made without prejudice to pursuit of claims of the pre-amendment scope in a continuing application.

Rejections Under 35 USC §112, Second Paragraph

The Examiner rejected claims 1-4 and 32-44 under 35 USC §112, second paragraph, for indefiniteness, specifically for recitation of "small" in the phrase "a small alkyl group." The Examiner's reasoning is that the claim does not intrinsically define "small" and the specification "does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably appraised of the scope of the invention." In response, the claim has been amended to remove the term "small." Also, the Examiner's attention is respectfully directed to page 10, lines 22-23 of the specification, in which the term "small alkyl group" is specifically illustrated by way of example (CH_3) that provides the desired standard of degree to reasonably appraise the person of ordinary skill in the art of the scope of the invention.

Rejections Under 35 USC §103(a)

The Examiner rejected claims 1-4 and 32-44 under 35 USC §103(a) as obvious over Venters, Jr. *et al.* in view of US Patent 5,135,923 (Siren). Without agreeing or disagreeing with the Examiner's interpretation of Venters, Jr. *et al.* and Siren, a fair reading of the Examiner's position is that Venters, Jr. *et al.* is used as a base reference that does not teach any inositol phosphate, and that Siren teaches inositol triphosphate in a manner that, per the Examiner, renders the rejected claims obvious in view of the combination of teachings of the references. It is also fair to say that Siren teaches *only* inositol phosphate compounds and not any other species of compounds recited in the claims. Thus, the claims amendments that cancel only inositol phosphates results in claims that are not anticipated by either Venters, Jr. *et al.* or Siren, either alone or in combination with any other relevant reference; that there is no suggestion or motivation for the ordinary artisan to make any other combination of teachings from the two

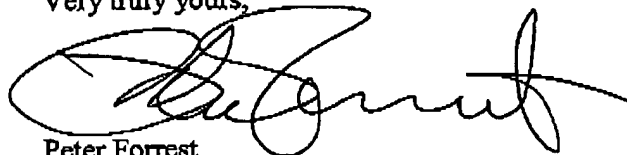
references; and also that there is no reasonable expectation of success should any such combination nonetheless be made.

Conclusion

For the reasons given above, Applicants submit that the amended claims should be allowed. The applicants are very open to authorizing by telephone any Examiner's Amendments that would address any issues that might prevent the next action in the case from being a Notice of Allowance.

If you have any questions, please contact me at your convenience by telephone to advance prosecution in any manner possible.

Very truly yours,



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